



General Assembly

January Session, 2005

**Committee Bill No. 828**

LCO No. 4678

\*04678SB00828TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

**AN ACT CONCERNING REVISIONS TO CERTAIN MOTOR VEHICLE  
STATUTES.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 14-16c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) (1) (A) For purposes of this section and section 14-103a, a motor  
4 vehicle is deemed to be declared a total loss when damage to the  
5 vehicle is at least seventy-five per cent of the retail value of the vehicle.  
6 Any insurance company which takes possession of a motor vehicle for  
7 which a certificate of title has been issued in this state, that has been  
8 declared a total loss and that is offered for sale in this state by such  
9 insurance company or its agent as a result of the settlement of a claim  
10 for damage or theft, shall stamp the word "SALVAGE" in one-inch-  
11 high letters not to exceed three inches in length on the vehicle's  
12 certificate of title and shall attach to such certificate of title a copy of  
13 the appraiser's damage report for such totalled motor vehicle, except  
14 that if the insurance company determines that such motor vehicle has  
15 ten or more major component parts which are damaged beyond repair  
16 and must be replaced, the insurance company shall stamp the words

17 "SALVAGE PARTS ONLY" in one-inch-high letters not to exceed three  
18 inches in length on the vehicle's certificate of title. A copy of such  
19 certificate shall be sent by the insurance company to the Department of  
20 Motor Vehicles. (B) Any insurance company which takes possession of  
21 a motor vehicle for which a certificate of title has been issued in any  
22 state other than this state that has been declared a total loss and that is  
23 offered for sale in this state by such insurance company or its agent as  
24 a result of the settlement of a claim for damage or theft, shall attach to  
25 such certificate of title a copy of the appraiser's damage report for such  
26 totalled motor vehicle.

27 (2) (A) Any person, firm or corporation which is a self-insurer and  
28 owns a motor vehicle for which a certificate of title has been issued in  
29 this state, that has been declared a total loss and that is offered for sale  
30 in this state by such self-insurer or its agent, shall stamp the word  
31 "SALVAGE" in one-inch-high letters not to exceed three inches in  
32 length on the vehicle's certificate of title and shall attach to such  
33 certificate of title a copy of the appraiser's damage report for such  
34 totalled motor vehicle, except that if such self-insurer determines that  
35 such motor vehicle has [ten] nine or more major component parts  
36 which are damaged beyond repair and must be replaced, the self-  
37 insurer shall stamp the words "SALVAGE PARTS ONLY" in one-inch-  
38 high letters not to exceed three inches in length on the motor vehicle's  
39 certificate of title. Any person, firm or corporation which is insured  
40 other than by means of self-insurance and owns such a motor vehicle,  
41 shall forward the vehicle's certificate of title to the company insuring  
42 such vehicle or the company paying the totalled claim. Such insurer  
43 shall stamp the word "SALVAGE" in one-inch-high letters not to  
44 exceed three inches in length on the certificate of title except that if the  
45 insurance company determines that such motor vehicle has [ten] nine  
46 or more major component parts which are damaged beyond repair and  
47 must be replaced, the insurer taking possession of such motor vehicle  
48 shall stamp the words "SALVAGE PARTS ONLY" in one-inch-high  
49 letters not to exceed three inches in length on the motor vehicle's  
50 certificate of title and shall return such certificate to such person, firm

51 or corporation. A copy of such certificate shall be sent by the person,  
52 firm or corporation to the Department of Motor Vehicles. (B) Any  
53 person, firm or corporation which is a self-insurer and owns a motor  
54 vehicle for which a certificate of title has been issued in any state other  
55 than this state that has been declared a total loss and that is offered for  
56 sale in this state by such self-insurer or its agent, shall attach to such  
57 certificate of title a copy of the appraiser's damage report for such  
58 totalled motor vehicle.

59 (3) For purposes of this subsection, "major component part" shall  
60 have the same meaning as provided in subdivision (2) of subsection (a)  
61 of section 14-149a.

62 (b) Any insurance company or its agent taking possession of a  
63 motor vehicle in accordance with subsection (a) of this section or any  
64 person, firm or corporation which owns such motor vehicle shall copy  
65 the certificate and give the original of such certificate, with a copy of  
66 the appraiser's damage report attached thereto, to any subsequent  
67 purchaser of the motor vehicle that has been declared a total loss. The  
68 name and address of any such purchaser shall be recorded on the  
69 original and the copy, as provided on the certificate. The copy shall  
70 serve only as a record of transfers of the total loss motor vehicle.

71 (c) The person, firm, company or corporation required to stamp  
72 "SALVAGE" on the certificate of title shall stamp the following  
73 statement on the face of any original or copy of such certificate issued  
74 in accordance with this section: "WARNING: ALL PURCHASERS OF  
75 THE MOTOR VEHICLE DESCRIBED HEREIN MUST RECORD  
76 THEIR NAME AND ADDRESS ON THE REVERSE SIDE. THIS  
77 VEHICLE CANNOT BE REGISTERED OR RETITLED WITHOUT  
78 PASSING INSPECTION UNDER SECTION 14-103a. THIS  
79 DOCUMENT MUST BE SUBMITTED AT THE TIME OF  
80 INSPECTION."

81 (d) No motor vehicle for which a copy has been made in accordance  
82 with this section may be operated upon any highway in this state,

83 except that an owner of any such motor vehicle who is a motor vehicle  
84 dealer or repairer licensed under the provisions of section 14-52 may  
85 operate such vehicle for the purpose of presenting the vehicle for  
86 inspection pursuant to section 14-103a. If such vehicle fails to comply  
87 with the minimum standards, it shall be transported from the site of  
88 such inspection. If any such motor vehicle is rebuilt for sale or use, the  
89 owner shall apply to the Commissioner of Motor Vehicles for an  
90 original certificate of title and present the vehicle for inspection  
91 pursuant to section 14-103a. The certificate of title issued in accordance  
92 with this section must be presented at the time of inspection, unless  
93 waived by the commissioner for good cause.

94 (e) Notwithstanding the provisions of this section, a motor vehicle  
95 for which a certificate of title has been issued in this state, that has been  
96 declared a total loss in settlement of a claim for theft, having no  
97 damage to a major component part or having damage not exceeding  
98 (1) fifteen per cent of the retail value of such motor vehicle, as  
99 determined in accordance with the provisions of section 38a-353, or (2)  
100 one thousand dollars as evidenced by an insurance adjuster's damage  
101 appraisal report, shall not be required to have its certificate of title  
102 stamped in accordance with the provisions of this section provided  
103 proof of such damage or lack of damage to a major component part, is  
104 attached to such certificate.

105 (f) No insurance company and no firm or corporation which is a  
106 self-insurer may sell or transfer any totalled or salvaged motor vehicle,  
107 major component parts or any other parts of a motor vehicle to any  
108 person, firm or corporation which is not licensed under the provisions  
109 of subparts (D) or (H) of part III of this chapter. No person, firm or  
110 corporation licensed as a new or used car dealer who holds a permit  
111 pursuant to the provisions of section 14-65 may sell or transfer any  
112 totalled or salvaged motor vehicle with a certificate of title stamped  
113 "SALVAGE PARTS ONLY" or any motor vehicle which has [ten] nine  
114 or more major component parts damaged beyond repair and in need  
115 of replacement to any person, firm or corporation which is not licensed

116 under the provisions of subpart (H) of this part or under a similar  
117 provision of law of any other state. Any sale or transfer in violation of  
118 the provisions of this section shall constitute an unfair method of  
119 competition and an unfair or deceptive act or practice, as defined by  
120 section 42-110b.

121 (g) The Commissioner of Motor Vehicles shall adopt regulations, in  
122 accordance with the provisions of chapter 54, to implement the  
123 provisions of this section.

124 Sec. 2. Section 14-227b of the general statutes is repealed and the  
125 following is substituted in lieu thereof (*Effective October 1, 2005*):

126 (a) Any person who operates a motor vehicle in this state shall be  
127 deemed to have given such person's consent to a chemical analysis of  
128 such person's blood, breath or urine and, if such person is a minor,  
129 such person's parent or parents or guardian shall also be deemed to  
130 have given their consent.

131 (b) If any such person, having been placed under arrest for  
132 operating a motor vehicle while under the influence of intoxicating  
133 liquor or any drug or both, and thereafter, after being apprised of such  
134 person's constitutional rights, having been requested to submit to a  
135 blood, breath or urine test at the option of the police officer, having  
136 been afforded a reasonable opportunity to telephone an attorney prior  
137 to the performance of such test and having been informed that such  
138 person's license or nonresident operating privilege may be suspended  
139 in accordance with the provisions of this section if such person refuses  
140 to submit to such test or if such person submits to such test and the  
141 results of such test indicate that such person has an elevated blood  
142 alcohol content, and that evidence of any such refusal shall be  
143 admissible in accordance with subsection (e) of section 14-227a and  
144 may be used against such person in any criminal prosecution, refuses  
145 to submit to the designated test, the test shall not be given; provided, if  
146 the person refuses or is unable to submit to a blood test, the police  
147 officer shall designate the breath or urine test as the test to be taken.

148 The police officer shall make a notation upon the records of the police  
149 department that such officer informed the person that such person's  
150 license or nonresident operating privilege may be suspended if such  
151 person refused to submit to such test or if such person submitted to  
152 such test and the results of such test indicated that such person had an  
153 elevated blood alcohol content.

154 (c) If the person arrested refuses to submit to such test or analysis or  
155 submits to such test or analysis, commenced within two hours of the  
156 time of operation, and the results of such test or analysis indicate that  
157 such person has an elevated blood alcohol content, the police officer,  
158 acting on behalf of the Commissioner of Motor Vehicles, shall  
159 immediately revoke and take possession of the motor vehicle  
160 operator's license or, if such person is a nonresident, suspend the  
161 nonresident operating privilege of such person, for a twenty-four-hour  
162 period. The police officer shall prepare a written report of the incident  
163 and shall mail the report and a copy of the results of any chemical test  
164 or analysis to the Department of Motor Vehicles within three business  
165 days. The report shall be made on a form approved by the  
166 Commissioner of Motor Vehicles and shall be subscribed and sworn to  
167 under penalty of false statement as provided in section 53a-157b by the  
168 arresting officer. If the person arrested refused to submit to such test or  
169 analysis, the report shall be endorsed by a third person who witnessed  
170 such refusal. The report shall set forth the grounds for the officer's  
171 belief that there was probable cause to arrest such person for operating  
172 a motor vehicle while under the influence of intoxicating liquor or any  
173 drug or both and shall state that such person had refused to submit to  
174 such test or analysis when requested by such police officer to do so or  
175 that such person submitted to such test or analysis, commenced within  
176 two hours of the time of operation, and the results of such test or  
177 analysis indicated that such person had an elevated blood alcohol  
178 content.

179 (d) If the person arrested submits to a blood or urine test at the  
180 request of the police officer, and the specimen requires laboratory

181 analysis in order to obtain the test results, the police officer shall not  
182 take possession of the motor vehicle operator's license of such person  
183 or, except as provided in this subsection, follow the procedures  
184 subsequent to taking possession of the operator's license as set forth in  
185 subsection (c) of this section. If the test results indicate that such  
186 person has an elevated blood alcohol content, the police officer,  
187 immediately upon receipt of the test results, shall notify the  
188 Commissioner of Motor Vehicles and submit to the commissioner the  
189 written report required pursuant to subsection (c) of this section.

190 (e) (1) Except as provided in subdivision (2) of this subsection, upon  
191 receipt of such report, the Commissioner of Motor Vehicles may  
192 suspend any license or nonresident operating privilege of such person  
193 effective as of a date certain, which date shall be not later than thirty  
194 days after the date such person received notice of such person's arrest  
195 by the police officer. Any person whose license or operating privilege  
196 has been suspended in accordance with this subdivision shall  
197 automatically be entitled to a hearing before the commissioner to be  
198 held prior to the effective date of the suspension. The commissioner  
199 shall send a suspension notice to such person informing such person  
200 that such person's operator's license or nonresident operating privilege  
201 is suspended as of a date certain and that such person is entitled to a  
202 hearing prior to the effective date of the suspension and may schedule  
203 such hearing by contacting the Department of Motor Vehicles not later  
204 than seven days after the date of mailing of such suspension notice.

205 (2) If the person arrested (A) is involved in an accident resulting in a  
206 fatality, or (B) has previously had such person's operator's license or  
207 nonresident operating privilege suspended under the provisions of  
208 section 14-227a during the ten-year period preceding the present  
209 arrest, upon receipt of such report, the Commissioner of Motor  
210 Vehicles may suspend any license or nonresident operating privilege  
211 of such person effective as of the date specified in a notice of such  
212 suspension to such person. Any person whose license or operating  
213 privilege has been suspended in accordance with this subdivision shall

214 automatically be entitled to a hearing before the commissioner. The  
215 commissioner shall send a suspension notice to such person informing  
216 such person that such person's operator's license or nonresident  
217 operating privilege is suspended as of the date specified in such  
218 suspension notice, and that such person is entitled to a hearing and  
219 may schedule such hearing by contacting the Department of Motor  
220 Vehicles not later than seven days after the date of mailing of such  
221 suspension notice. Any suspension issued under this subdivision shall  
222 remain in effect until such suspension is affirmed or such license or  
223 operating privilege is reinstated in accordance with subsections (f) and  
224 (h) of this section.

225 (f) If such person does not contact the department to schedule a  
226 hearing, the commissioner shall affirm the suspension contained in the  
227 suspension notice for the appropriate period specified in subsection (i)  
228 of this section.

229 (g) If such person contacts the department to schedule a hearing, the  
230 department shall assign a date, time and place for the hearing, which  
231 date shall be prior to the effective date of the suspension, except that,  
232 with respect to a person whose license or nonresident operating  
233 privilege is suspended in accordance with subdivision (2) of subsection  
234 (e) of this section, such hearing shall be scheduled not later than thirty  
235 days after such person contacts the department. At the request of such  
236 person or the hearing officer and upon a showing of good cause, the  
237 commissioner may grant one continuance for a period not to exceed  
238 fifteen days. The hearing shall be limited to a determination of the  
239 following issues: (1) Did the police officer have probable cause to  
240 arrest the person for operating a motor vehicle while under the  
241 influence of intoxicating liquor or any drug or both; (2) was such  
242 person placed under arrest; (3) did such person refuse to submit to  
243 such test or analysis or did such person submit to such test or analysis,  
244 commenced within two hours of the time of operation, and the results  
245 of such test or analysis indicated that such person had an elevated  
246 blood alcohol content; and (4) was such person operating the motor



247 vehicle. In the hearing, the results of the test or analysis shall be  
248 sufficient to indicate the ratio of alcohol in the blood of such person at  
249 the time of operation, except that if the results of the additional test  
250 indicate that the ratio of alcohol in the blood of such person is  
251 twelve-hundredths of one per cent or less of alcohol, by weight, and is  
252 higher than the results of the first test, evidence shall be presented that  
253 demonstrates that the test results and analysis thereof accurately  
254 indicate the blood alcohol content at the time of operation. The fees of  
255 any witness summoned to appear at the hearing shall be the same as  
256 provided by the general statutes for witnesses in criminal cases.

257 (h) If, after such hearing, the commissioner finds on any one of the  
258 said issues in the negative, the commissioner shall reinstate such  
259 license or operating privilege. If, after such hearing, the commissioner  
260 does not find on any one of the said issues in the negative or if such  
261 person fails to appear at such hearing, the commissioner shall affirm  
262 the suspension contained in the suspension notice for the appropriate  
263 period specified in subsection (i) of this section. The commissioner  
264 shall render a decision at the conclusion of such hearing or send a  
265 notice of the decision by bulk certified mail to such person not later  
266 than thirty days or, if a continuance is granted, not later than forty-five  
267 days from the date such person received notice of such person's arrest  
268 by the police officer. The notice of such decision sent by certified mail  
269 to the address of such person as shown by the records of the  
270 commissioner shall be sufficient notice to such person that such  
271 person's operator's license or nonresident operating privilege is  
272 reinstated or suspended, as the case may be. Unless a continuance of  
273 the hearing is granted pursuant to subsection (g) of this section, if the  
274 commissioner fails to render a decision within thirty days from the  
275 date such person received notice of such person's arrest by the police  
276 officer, the commissioner shall reinstate such person's operator's  
277 license or nonresident operating privilege, provided notwithstanding  
278 such reinstatement the commissioner may render a decision not later  
279 than two days thereafter suspending such operator's license or  
280 nonresident operating privilege.

281 (i) The commissioner shall suspend the operator's license or  
282 nonresident operating privilege of a person who did not contact the  
283 department to schedule a hearing, who failed to appear at a hearing or  
284 against whom, after a hearing, the commissioner held pursuant to  
285 subsection (h) of this section, as of the effective date contained in the  
286 suspension notice or the date the commissioner renders a decision,  
287 whichever is later, for a period of: (1) (A) [Except] One year if such  
288 person, who is less than eighteen years of age, submitted to a test or  
289 analysis and the results of such test or analysis indicated that such  
290 person had an elevated blood alcohol content or, except as provided in  
291 subparagraph (B) of this subdivision, ninety days, if such person who  
292 is eighteen years of age or older submitted to a test or analysis and the  
293 results of such test or analysis indicated that such person had an  
294 elevated blood alcohol content, (B) one hundred twenty days, if such  
295 person submitted to a test or analysis and the results of such test or  
296 analysis indicated that the ratio of alcohol in the blood of such person  
297 was sixteen-hundredths of one per cent or more of alcohol, by weight,  
298 or (C) one year if such person, who is less than eighteen years of age,  
299 refused to submit to such test or analysis and six months if such  
300 person, who is eighteen years of age or older, refused to submit to such  
301 test or analysis, (2) if such person has previously had such person's  
302 operator's license or nonresident operating privilege suspended under  
303 this section, (A) except as provided in subparagraph (B) of this  
304 subdivision, nine months if such person submitted to a test or analysis  
305 and the results of such test or analysis indicated that such person had  
306 an elevated blood alcohol content, (B) ten months if such person  
307 submitted to a test or analysis and the results of such test or analysis  
308 indicated that the ratio of alcohol in the blood of such person was  
309 sixteen-hundredths of one per cent or more of alcohol, by weight, and  
310 (C) one year if such person refused to submit to such test or analysis,  
311 and (3) if such person has two or more times previously had such  
312 person's operator's license or nonresident operating privilege  
313 suspended under this section, (A) except as provided in subparagraph  
314 (B) of this subdivision, two years if such person submitted to a test or

315 analysis and the results of such test or analysis indicated that such  
316 person had an elevated blood alcohol content, (B) two and one-half  
317 years if such person submitted to a test or analysis and the results of  
318 such test or analysis indicated that the ratio of alcohol in the blood of  
319 such person was sixteen-hundredths of one per cent or more of  
320 alcohol, by weight, and (C) three years if such person refused to  
321 submit to such test or analysis.

322 (j) Notwithstanding the provisions of subsections (b) to (i),  
323 inclusive, of this section, any police officer who obtains the results of a  
324 chemical analysis of a blood sample taken from an operator of a motor  
325 vehicle involved in an accident who suffered or allegedly suffered  
326 physical injury in such accident shall notify the Commissioner of  
327 Motor Vehicles and submit to the commissioner a written report if  
328 such results indicate that such person had an elevated blood alcohol  
329 content, and if such person was arrested for violation of section  
330 14-227a in connection with such accident. The report shall be made on  
331 a form approved by the commissioner containing such information as  
332 the commissioner prescribes, and shall be subscribed and sworn to  
333 under penalty of false statement, as provided in section 53a-157b, by  
334 the police officer. The commissioner may, after notice and an  
335 opportunity for hearing, which shall be conducted in accordance with  
336 chapter 54, suspend the motor vehicle operator's license or nonresident  
337 operating privilege of such person for a period of up to ninety days, or,  
338 if such person has previously had such person's operator's license or  
339 nonresident operating privilege suspended under this section for a  
340 period of up to one year. Each hearing conducted under this  
341 subsection shall be limited to a determination of the following issues:  
342 (1) Whether the police officer had probable cause to arrest the person  
343 for operating a motor vehicle while under the influence of intoxicating  
344 liquor or drug or both; (2) whether such person was placed under  
345 arrest; (3) whether such person was operating the motor vehicle; (4)  
346 whether the results of the analysis of the blood of such person indicate  
347 that such person had an elevated blood alcohol content; and (5)  
348 whether the blood sample was obtained in accordance with conditions

349 for admissibility and competence as evidence as set forth in subsection  
 350 (j) of section 14-227a. If, after such hearing, the commissioner finds on  
 351 any one of the said issues in the negative, the commissioner shall not  
 352 impose a suspension. The fees of any witness summoned to appear at  
 353 the hearing shall be the same as provided by the general statutes for  
 354 witnesses in criminal cases, as provided in section 52-260.

355 (k) The provisions of this section shall apply with the same effect to  
 356 the refusal by any person to submit to an additional chemical test as  
 357 provided in subdivision (5) of subsection (b) of section 14-227a.

358 (l) The provisions of this section shall not apply to any person  
 359 whose physical condition is such that, according to competent medical  
 360 advice, such test would be inadvisable.

361 (m) The state shall pay the reasonable charges of any physician who,  
 362 at the request of a municipal police department, takes a blood sample  
 363 for purposes of a test under the provisions of this section.

364 (n) For the purposes of this section, "elevated blood alcohol content"  
 365 means (1) a ratio of alcohol in the blood of such person that is eight-  
 366 hundredths of one per cent or more of alcohol, by weight, or (2) if such  
 367 person is under twenty-one years of age, a ratio of alcohol in the blood  
 368 of such person that is two-hundredths of one per cent or more of  
 369 alcohol, by weight.

370 (o) The Commissioner of Motor Vehicles shall adopt regulations, in  
 371 accordance with chapter 54, to implement the provisions of this  
 372 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	14-16c
Sec. 2	October 1, 2005	14-227b

**Statement of Purpose:**

To deem a motor vehicle a total loss when damage is at least seventy-five percent of the retail value and to suspend the operator's license for one year of a person less than eighteen years of age who refuses to take an alcohol test or who fails an alcohol test.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. CIOTTO, 9th Dist.

S.B. 828